

**PUBLIC UTILITIES COMMISSION**

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

FILED
12-11-17
02:30 PM

December 11, 2017

Agenda ID #16198
Ratesetting

TO PARTIES OF RECORD IN APPLICATION 10-02-009:

This is the proposed decision of the Administrative Law Judge (ALJ) Katherine MacDonald. Until and unless the Commission hears the item and votes to approve it, the proposed decision has no legal effect. This item may be heard, at the earliest, at the Commission's January 11, 2018 meeting. To confirm when the item will be heard, please see the Business Meeting agenda, which is posted on the Commission's website 10 days before each Business Meeting.

Parties to the proceeding may file comments on this proposed decision as provided in Article 14 of the Commission's Rules of Practice and Procedure (Rules), accessible on the Commission's website at www.cpuc.ca.gov. Pursuant to Rule 14.3, opening comments shall not exceed 15 pages.

Comments must be filed, pursuant to Rule 1.13, either electronically or in hard copy. Comments should be served on parties to this proceeding in accordance with Rules 1.9 and 1.10. Electronic and hard copies of comments should be sent to ALJ MacDonald at Katherine.macdonald@cpuc.ca.gov and the Intervenor Compensation Program at Icompcoordinator@cpuc.ca.gov. The current service list for this proceeding is available on the Commission's website at www.cpuc.ca.gov.

/s/ ANNE E. SIMON

Anne E. Simon,
Acting Chief Administrative Law Judge

AES: avs
Attachment

Decision **PROPOSED DECISION OF ALJ MACDONALD** (Mailed 12/11/2017)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the application of Channel Islands Telephone Company (U7068C) to expand its existing certificate of public convenience and necessity to include full facilities-based authority to construct telecommunications facilities to serve certain previously-unserved Channel Islands.

Application 10-02-009

DECISION GRANTING INTERVENOR COMPENSATION TO WISHTOYO FOUNDATION FOR SUBSTANTIAL CONTRIBUTION TO DECISION 14-02-026

Claimant: Wishtoyo Foundation (Wishtoyo)	For contribution to Decision (D.) 14-02-026
Claimed: \$20,175.25	Awarded: \$16,085.50 (reduced 20.3%)
Assigned Commissioner: Michael Picker	Assigned ALJ: Katherine MacDonald

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This decision grants Channel Islands Telephone Company's (Applicant) unopposed motion to withdraw its application to expand its existing certificate of public convenience and necessity to include full facilities based authority to construct telecommunications facilities to serve the Channel Islands. No hearings were conducted. Applicant must reference Application 10-02-009 should it subsequently seek authorization to expand its existing limited facilities-based authority to include full facilities-based authority to construct telecommunication facilities in the future.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	October 21, 2013	Verified
2. Other Specified Date for NOI:	n.a.	
3. Date NOI Filed:	November 18, 2013	Verified
4. Was the NOI timely filed?		Yes
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on ALJ ruling issued in proceeding number:	A1002009	Verified
6. Date of ALJ ruling:	12/17/2013	Verified
7. Based on another CPUC determination (specify):	n.a.	
8. Has the Claimant demonstrated customer or customer-related status?		Yes
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	A1002009	Verified
10. Date of ALJ ruling:	12/17/2013	Verified
11. Based on another CPUC determination (specify):	n.a.	
12. Has the Claimant demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	Decision 14-02-026	Verified
14. Date of Issuance of Final Order or Decision:	2/28/2014	Verified
15. File date of compensation request:	3/24/2014	03/25/14
16. Was the request for compensation timely?		Yes

PART II: SUBSTANTIAL CONTRIBUTION

A. In the fields below, describe in a concise manner Claimant’s contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).

Contribution	Specific References to Claimant’s Presentations and to Decision	Showing Accepted by CPUC
I. Wishtoyo argued that procedural flaws prejudicially impacted	1. Citation to the specific portions of documents filed in the proceeding a. PROTEST OF THE WISHTOYO FOUNDATION	

<p>Wishtoyo's members and the Chumash People, and should result in the denial of the application. Wishtoyo supported these contentions with: specific facts; citations and or references to applicable regulations, statutes, and laws; and legal analysis/arguments. (Issue A.)</p> <p>Wishtoyo obtained input, facts, and organized participation from Chumash Native American Community to inform, and the Federally Recognized Santa Ynez Band of Chumash Indians to inform the: 10/21/2013 Prehearing Conference, Wishtoyo 9/3/2013 Protest, Wishtoyo's 10/18/2013 Prehearing Conference Statements; Wishtoyo's 10/30/2013 Amended Prehearing Conference Statements.</p>	<p>TO THE CHANNEL ISLANDS TELEPHONE COMPANY'S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY APPLICATION filed with CPUC on 9/3/2013 at pg 3 -5</p> <p>b. WISHTOYO FOUNDATION'S PREHEARING CONFERENCE STATEMENTS Filed with CPUC on 10/18/2013 at pg 2-3 (2.a.) -2.d.)</p> <p>c. Prehearing Conference Held by ALJ Katherine MacDonald on 10/21/2013 (see transcript testimony of Jason Weiner on behalf of Wishtoyo)</p> <p>d. WISHTOYO FOUNDATION'S SUPPLEMENTAL STATEMENTS TO ITS OCTOBER 18, 2013 PREHEARING CONFERENCE STATEMENTS Filed with CPUC on 10/30/2013, at pg 2-4 (Item 1); at pg 4-7 (Item 2);</p> <p>2. Citation to the specific portion of the Commission's order or decision: Decision 14-02-026 February 27, 2014, DECISION GRANTING MOTION TO WITHDRAW, at pg 4 of 7 second full paragraph: "On September 3, 2013, the Wishtoyo Foundation (Wishtoyo) protested the amended application arguing that procedural flaws prejudicially impacted Wishtoyo's members and the Chumash People. The procedural flaws identified included Applicant's</p>	<p>Yes. Wishtoyo's participation led to the presentation of facts not yet considered in the proceeding.</p>
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	failure to properly notice the Amended Application and failure to conduct government to government consultation with the federally recognized Santa Ynez Band of Chumash Indians.”	
<p>II. Wishtoyo argued that the Commission must consider the harms the proposed project poses to the Chumash cultural landscape, including harms to Chumash culture, cultural resources, cultural sites, religious practices, and religious resources on the Channel Islands, and that the failure of the Commission to consider and analyze these harms should result in the denial of the application. Wishtoyo supported these arguments with: specific facts; citations and or references to applicable regulations, statutes, and laws; and legal analysis/arguments. (Issue B.)</p> <p>Wishtoyo obtained input, facts, and organized participation from Chumash Native American Community to inform, and the Federally Recognized Santa Ynez Band of Chumash Indians to inform the: 10/21/2013 Prehearing Conference, Wishtoyo 9/3/2013 Protest, Wishtoyo’s 10/18/2013 Prehearing Conference Statements; Wishtoyo’s 10/30/2013 Amended Prehearing Conference Statements.</p>	<ol style="list-style-type: none"> 1. Citation to the specific portions of documents filed in the proceeding <ol style="list-style-type: none"> a. PROTEST OF THE WISHTOYO FOUNDATION TO THE CHANNEL ISLANDS TELEPHONE COMPANY’S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY APPLICATION filed with CPUC on 9/3/2013 at pg 5-6 b. WISHTOYO FOUNDATION’S PREHEARING CONFERENCE STATEMENTS Filed with CPUC on 10/18/2013 at pg 3-4 (2.e.-2.i.) c. Prehearing Conference Held by ALJ Katherine MacDonald on 10/21/2013 (see transcript testimony of Jason Weiner on behalf of Wishtoyo) d. WISHTOYO FOUNDATION’S SUPPLEMENTAL STATEMENTS TO ITS OCTOBER 18, 2013 PREHEARING CONFERENCE STATEMENTS Filed with CPUC on 10/30/2013 at pg 5-7 (Item 2.e.- 2.i.); 2. Citation to the specific portion of the Commission’s order or decision: 	<p>Yes. Wishtoyo’s participation led to the presentation of cultural and religious issues that were previously not under consideration in the proceeding.</p>

	<p>Decision 14-02-026 February 27, 2014, DECISION GRANTING MOTION TO WITHDRAW, at pg 4 of 7 second full paragraph: “In addition, Wishtoyo argued that the Commission must consider the harms the proposed project poses to the Chumash cultural landscape, including harms to Chumash culture, cultural resources, cultural sites, religious practices, and religious resources on the Channel Islands.”</p>	
<p>III. Wishtoyo argued that the proposed project would harm island wildlife and the environment, and that the failure of the Commission to consider and analyze these harms should result in the denial of the application. Wishtoyo supported these arguments with specific facts and legal analysis / arguments. (Issue C.)</p> <p>Wishtoyo obtained input, facts, and organized participation from Chumash Native American Community to inform, and the Federally Recognized Santa Ynez Band of Chumash Indians to inform the: 10/21/2013 Prehearing Conference, Wishtoyo 9/3/2013 Protest, Wishtoyo’s 10/18/2013 Prehearing Conference Statements; Wishtoyo’s 10/30/2013 Amended Prehearing Conference Statements.</p>	<p>1. Citation to the specific portions of documents filed in the proceeding</p> <p>a. PROTEST OF THE WISHTOYO FOUNDATION TO THE CHANNEL ISLANDS TELEPHONE COMPANY’S CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY APPLICATION filed with CPUC on 9/3/2013 at pg 5-6</p> <p>b. WISHTOYO FOUNDATION’S PREHEARING CONFERENCE STATEMENTS Filed with CPUC on 10/18/2013 at pg 3-4 (2.e., 2.h.))</p> <p>c. Prehearing Conference Held by ALJ Katherine MacDonald on 10/21/2013 (see transcript testimony of Jason Weiner on behalf of Wishtoyo)</p> <p>d. WISHTOYO FOUNDATION’S SUPPLEMENTAL STATEMENTS TO ITS OCTOBER 18, 2013 PREHEARING CONFERENCE</p>	<p>Yes.</p>

	<p>STATEMENTS Filed with CPUC on 10/30/2013 at pg 5-7 (Item 2.e., 2.h.);</p> <p>2. Citation to the specific portion of the Commission's order or decision: Decision 14-02-026 February 27, 2014, DECISION GRANTING MOTION TO WITHDRAW, at pg 4 of 7 second full paragraph: "Finally, Wishtoyo contended the proposed project would harm island wildlife and the environment."</p>	
<p>I.,II., III. above demonstrate that Wishtoyo's Contributions led to the Channel Islands Telephone Company's November 1, 2013 motion to withdraw Application, granted by the CPUC in Decision (D.) 14-02-026 on February 27, 2014. Because of Wishtoyo's Contentions summarized in I., II.III. above supported by the applicable laws and the facts gathered and submitted by Wishtoyo, the Channel Islands Telephone Company determined to withdraw its application and terminate the above captioned administrative proceeding initiated by Wishtoyo Foundation's Protest.</p>	<p>12/17/13 ADMINISTRATIVE LAW JUDGE'S RULING ON WISHTOYO FOUNDATION'S (WISHTOYO'S) SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP AND RESPONDING TO CHANNEL ISLANDS TELEPHONE COMPANY'S RESPONSE TO WISHTOYO'S NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION, filed at pg 7:</p> <p>"Channel Islands Telephone Company (Channel Islands) states in its December 3, 2013 response that the Wishtoyo Foundation's (Wishtoyo's) Notice of Intent (NOI) should be denied because Channel Islands' November 1, 2013 motion to withdraw Application (A.) 10-02-009 renders the NOI moot. We disagree. The filing of A.10-02-009 initiated a proceeding in which Wishtoyo was required to participate in order to formally make its position known. Wishtoyo invested time and effort to oppose the application and Channel Island's pending request to withdraw the application does not obviate the costs that may have been incurred by Wishtoyo. The Commission has previously determined that compensation may be awarded to intervenors in proceedings where an applicant requests dismissal or where a decision is not reached on the merits. See Decision (D.) 12-08-025.</p>	Yes

	Because Wishtoyo invested time and effort responding to the application, Wishtoyo is eligible to request intervenor compensation in this proceeding, even if the motion to withdraw A.10-02-009 is granted and the Commission does not ultimately make a final determination on the merits of the application.”	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	NO	Verified
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Similar parties
c. If so, provide name of other parties: Santa Ynez Band of Chumash Indians; Frank Arredondo and Ken Sku Mu, Chumash MLD (not certain if Frank Arredondo and Ken Sku Mu, Chumash MLD gained party status)		No
d. Describe how you coordinated with ORA and other parties to avoid duplication or how your participation supplemented, complemented, or contributed to that of another party: Wishtoyo coordinated with the general counsel for the federally recognized Santa Ynez Band of Chumash Indians to ensure no duplication of legal, advocacy, and expert effort took place. Wishtoyo also coordinated with all other entities to best ensure efficient use of resources and to minimize and avoid duplication of advocacy and expert effort. Wishtoyo supplied the primary legal, advocacy, and expert effort and resources on behalf of the Chumash community and Wishtoyo’s Chumash members.		Verified

C. Additional Comments on Part II:

#	Claimant	CPUC	Comment
1	Wishtoyo		Wishtoyo participated in the issues pertaining to the above captioned amended application’s impacts to Chumash Native American cultural, natural, spiritual, and religious resources; the inadequate impact analysis and mitigation measures under CEQA and the CPUC; the inadequate consultation with Chumash Native Americans in violation of CEQA and the CPUC which would result in impacts to Chumash Native American

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

			cultural, natural, spiritual, and religious resources; and the inadequate analysis and mitigation measures for impacts to the environment and wildlife. Wishtoyo's detailed statement of issues on which it participated are listed in II.A. above and III.A.c below.
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Concise explanation as to how the cost of Claimant's participation bears a reasonable relationship with benefits realized through participation</p> <p>The cost of Wishtoyo's participation in this CPUC proceeding, which is \$20,175.25, substantially outweighed the benefit to Wishtoyo's approximately 700 individual members it represents.</p> <p>Wishtoyo's members are members of the public and residential customers whose individual and combined pure financial interests in this proceeding do not approach \$18,000 yet alone \$100, as Wishtoyo has not received a single donation and has not received any funding support for its participation in the above captioned matter. Accordingly, these economic interests are small relative to the costs of participation. It is highly unlikely that Wishtoyo's members will see financial benefits that exceed Wishtoyo's costs of participation.</p> <p>The benefit to Wishtoyo's members, the Chumash community, and rate payers cannot be realized through a dollar value, as the benefits, including preservation of Chumash heritage, culture, cultural practices, and natural resources, are non-monetary benefits that enhance and protect the wellbeing, culture, cultural practices, environment, history, and spiritual / religious practices that benefit, and are of vital importance to, Wishtoyo's members, the Chumash community, and rate payers.</p> <p>The filing of Amended Application, A.10-02-009, initiated a proceeding in which Wishtoyo was required to participate in order to formally make its position, and its members' position, known. Wishtoyo invested time and effort to oppose the application and Channel Island's pending request to withdraw the application does not obviate the costs that may have been incurred by Wishtoyo.</p>	<p>CPUC Verified</p> <hr/> <p>Verified</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Instead of retaining outside counsel, which would demand a higher billing rate, Wishtoyo utilized the services of its Staff Attorney, Jason Weiner, with 5 years experience. In addition, Wishtoyo's staff attorney's familiarity with Chumash culture, Wishtoyo Foundation, Wishtoyo's Chumash members, and the Chumash Community, and these community's concerns about the amended application, A.10-02-009, allowed Wishtoyo to realize additional economic and time efficiencies, for the legal work Wishtoyo's staff attorney performed on this matter. In addition Wishtoyo utilizing the expertise of its staff members, Mati Waiya and Luhui Isha Waiya, for expert work on Application A.10-02-009's impact on Chumash heritage and cultural practices, allowed Wishtoyo to conduct the work performed by experts on these matters at a reduced price and without</p>	<p>Verified, however the Commission does not round up for timekeeping purposes.</p>

having to contract with other, more expensive Chumash experts that would have had to spend additional time coordinating with other Chumash and Wishtoyo's staff attorney. Wishtoyo utilizing its staff members, Mati Waiya and Luhui Isha Waiya, for advocacy also saved time and expenses because of the direct line of communication with Wishtoyo's staff attorney and with the Chumash community. In addition, Wishtoyo utilizing its staff members, Mati Waiya and Luhui Isha Waiya, for advocacy, reduced the time Wishtoyo's staff attorney spent on this matter, thereby reducing the cost of the hours claimed.	
<p>c. Allocation of Hours by Issue</p> <p>Three issues were identified on page four of Decision 14-02-026 (February 27, 2014) by the Administrative Law Judge Katherine Kwan MacDonald. These issues are listed on the Wishtoyo Timesheet as follows:</p> <p>Issue A: Procedural Flaws: Include Applicant's failure to properly notice the Amended Application and failure to conduct government to government consultation with the federally recognized Santa Ynez Band of Chumash Indians</p> <p>Issue B: Impacts to Chumash Cultural Landscape, Cultural Practices, Cultural Resources, Cultural Sites, Religious Practices, Religious Resources on the Channel Islands</p> <p>Issue C: Impacts to Island Wildlife and the Environment</p> <p>33.8 hours were allocated to Issue A; 42.7 hours were allocated to Issue B; and 1.3 hours were allocated to Issue C. The total hours for all three issues was 77.8 hours. The hours allocated to Issue A, B, and C were for work on the Protest; Prehearing Conference Statements; the Prehearing Conference; Amended Prehearing Conference Statements; and obtaining input and organizing participation from Chumash Native American Community to inform: Prehearing Conference, Protest, and Prehearing/Amended Prehearing Conference Statements.</p>	Verified, but hours are inappropriately rounded up.

B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Attorney 1: Jason Weiner	2013	40.9	\$300/hr	CPUC Resolution ALJ-287: 2013	\$12,270	32.4 ^[A]	\$300.000 ^[B]	\$9,720.00
	2014	.2	\$300/hr	CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13	\$60.00			

Expert 1: Mati Waiya	2013	6.3	\$280/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13	\$1764.00	5.83 ^[A]	\$280.00 ^[C]	\$1,632.40
Expert 2: Luhui Isha Waiya	2013	6.3	\$195/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13	\$1228.50	5.83 ^[A]	\$195.00 ^[D]	\$1,136.85
Advocate 1: Mati Waiya	2013	8.0	\$135/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13	\$1080.00	5 ^[A]	\$135.00 ^[C]	\$675.00
Advocate 2: Luhui Isha Waiya	2013	16.1	\$135/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13	\$2173.50	11.75 ^[A]	\$135.00 ^[D]	\$1,586.25
Subtotal: \$18,576.00						Subtotal: \$14,750.50		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Preparer 1: Jason Weiner	2013	7.0	\$150/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13; INTERVENOR COMPENSATION PROGRAM GUIDE AND INSTRUCTIONS ON COMPLETING INTERVENOR COMPENSATION	\$1050.00	6.0 ^[A]	\$150.00	\$900.00

				STANDARDIZED FORMS - Updated December 2013 page 19				
Preparer 2: Jason Weiner	2014	3.1	\$150/hr	CPUC Resolution ALJ-287: 2013 CPUC Adopted Intervenor Rates; Examples CPUC Intervenor Hourly Rates Updated 09/16/13; INTERVENOR COMPENSATION PROGRAM GUIDE AND INSTRUCTIONS ON COMPLETING INTERVENOR COMPENSATION STANDARDIZED FORMS - Updated December 2013 page 19	\$465.00	2.9 ^[A]	\$150.00	\$435.00
Subtotal: \$1,515.00						Subtotal: \$1,335.00		
COSTS								
#	Item	Detail			Amount	Amount		
1	J. Weiner Travel to prehearing conference (Venice 90291 - Carpinteria, CA)	165.2 miles at \$0.51 / mile			\$84.25	\$0.00 ^[E]		
TOTAL REQUEST: \$20,175.25						TOTAL AWARD: \$16,085.50		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer’s normal hourly rate</p>								
Attorney		Date Admitted to CA BAR ²		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Jason Weiner		December 2008		259264		NO		

² This information may be obtained at: <http://www.calbar.ca.gov/>.

C. Attachments Documenting Specific Claim and Comments on Part III:

Attachment or Comment #	Description/Comment
1.	Certificate of Service
2.	Information Justifying Requested Rates for Individuals Listed in III.B.
3.	Time records for each individuals compensation listed in III.B. (via email to Intervenor Compensation Coordinator only per December 2013 INTERVENOR COMPENSATION PROGRAM GUIDE AND INSTRUCTIONS ON COMPLETING INTERVENOR COMPENSATION STANDARDIZED FORMS)

D. CPUC Disallowances and Adjustments:

Item	Reason
A	Time records were rounded to the nearest tenth of an hour; however, the Commission does not recognize such rounding. Hours were reduced to their actual times. Additionally, hours were reduced for routine travel. The Commission only compensates for travel to locations more than 120 miles away. See Item E below.
B	Wishtoyo Foundation requests a rate of \$300.00 per hour for work performed by Weiner in 2013 and 2014. Documentation provided by Clean Coalition shows that Weiner was in his fifth year of law practice. His resume includes four years representing the Wishtoyo Foundation in various enforcement and compliance actions before courts and administrative agencies. The Commission finds a rate of \$300.00 reasonable for work performed in 2013 and 2014.
C	Wishtoyo Foundation requests two separate rates for Mati Waiya in 2013, \$280.00 per hour for work done as an expert and \$135.00 per hour for work done as an advocate. A review of M. Waiya's resume shows an extensive 16 year history at the Wishtoyo Foundation working as an expert on the protection of Chumash cultural heritage and resources. M. Waiya also has experience working with local Chumash groups to advocate for Chumash positions. The Commission finds rates of \$280.00 per hour and \$135.00 per hour for M. Waiya reasonable for work done in 2013 as an expert and as an advocate.
D	Wishtoyo Foundation requests two separate rates for Luhui Isha Waiya in 2013, \$195.00 per hour for work done as an expert and \$135.00 per hour for work done as an advocate. A review of L. Waiya's resume shows a six year history working at the Wishtoyo Foundation as an expert on the protection of Chumash cultural heritage and resources. M. Waiya also has experience working with local Chumash groups to advocate for Chumash positions. The Commission finds rates of \$195.00 per hour and \$135.00 per hour for M. Waiya reasonable for work done in 2013 as an expert and as an advocate.
E	The Commission disallows compensation for time and expenses during routine travel (e.g., one-way distances of 120 miles or less). (See D.12-06-012 and D.10-11-032; also see Intervenor Compensation Program Guide and Instructions, May 2014, Part III.B at page 17.) Travel here was stated to be from Venice, CA to Carpinteria, CA, a

distance of 75 miles, and is therefore not compensable.

PART IV: OPPOSITIONS AND COMMENTS

**Within 30 days after service of this Claim, Commission Staff
or any other party may file a response to the Claim (see § 1804(c))**

A. Opposition: Did any party oppose the Claim?	Yes
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Party	Reason for Opposition	CPUC Disposition
Channel Islands Telephone Company	Channel Islands Telephone Company (CITC) on April 22, 2014 filed a response to Wishtoyo Foundation's (Wishtoyo) claim for intervenor compensation. In the Response, CITC alleges that Wishtoyo is not eligible for intervenor compensation because it is not a "customer" under Pub. Utils. Code Section 1802(b). CITC also claims that Wishtoyo did not make a substantial contribution, as its participation was duplicative of its participation in a separate but related proceeding.	<p>The Commission does not find CITC's Response persuasive. CITC's issues with Wishtoyo's customer status were addressed in the December 17, 2013 Ruling on Wishtoyo's NOI. With regards to the argument that Wishtoyo is not an "environmental group" as laid out by D. 09-04-059, there is no requirement that environmental organizations represent affected ratepayers in each particular case. There is also no requirement that an environmental organization's participation must also have a linkage to rates. D. 98-04-059 states that environmental organizations "represent customers who have a concern for the environment which distinguishes their interests from the interests represented by Commission staff, for example." Here, Wishtoyo has environmental interests distinct from those of any other participant in the proceeding, and such interests are worthy of compensation if properly represented.</p> <p>With regards to allegations that Wishtoyo did not make a substantial contribution to this decision, all hours and documents being here compensated are</p>

		<p>attributable to this decision. Dated time records provided by Wishtoyo match the timeline for submittal of documents related to this proceeding. All such documents are related to this proceeding. Whether such documents may have arguments similar to those presented by Wishtoyo in a separate proceeding is irrelevant. Additionally, pursuant to D. 17-04-007, although this proceeding did not end with a decision on the merits, this fact does not preclude a finding of substantial contribution in this proceeding. Wishtoyo's participation would have led to a more stringent review of CITC's application, should the application process have proceeded. Wishtoyo therefore may still be found to have made a substantial contribution to the proceeding. As discussed above, Wishtoyo's participation made a substantial contribution to this proceeding.</p>
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B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(2)(6))?	No
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FINDINGS OF FACT

1. Wishtoyo Foundation has made a substantial contribution to D.14-02-026.
2. The requested hourly rates for Wishtoyo Foundation's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$16,085.50.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Wishtoyo Foundation shall be awarded \$16,085.50
2. Within 30 days of the effective date of this decision, Channel Islands Telephone Company shall pay Wishtoyo Foundation the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 08, 2014, the 75th day after the filing of Wishtoyo Foundation's request, and continuing until full payment is made.
3. The comment period for today's decision is not waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX

Compensation Decision Summary Information

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1402026		
Proceeding(s):	A1002009		
Author:	ALJ MacDonald		
Payer(s):	Channel Islands Telephone Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Wishtoyo Foundation	03/25/14	\$20,175.25	\$16,085.50	N/A	Reductions for disallowances of travel hours and inappropriate rounding up of time records.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Jason	Weiner	Attorney	Wishtoyo Foundation	\$300.00	2013	\$300.00
Jason	Weiner	Attorney	Wishtoyo Foundation	\$300.00	2014	\$300.00
Mati	Waiya	Expert	Wishtoyo Foundation	\$280.00	2013	\$280.00
Mati	Waiya	Advocate	Wishtoyo Foundation	\$135.00	2013	\$135.00
Luhui	Waiya	Expert	Wishtoyo Foundation	\$195.00	2013	\$195.00
Luhui	Waiya	Advocate	Wishtoyo Foundation	\$135.00	2013	\$135.00

(END OF APPENDIX)